

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ESTECH SYSTEMS IP, LLC,

Plaintiff,

v.

MITEL NETWORKS, INC.,

Defendant.

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Case No. 2:21-CV-00473-JRG-RSP
(Lead Case)

ORDER

Consolidated defendant Abbott Laboratories previously filed a motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(3) and (6) raising a licensing defense. (Dkt. No. 47.) Magistrate Judge Payne entered a Report and Recommendation (Dkt. No. 176), recommending that the motion be denied. Defendant Abbott Laboratories has since filed an objection (Dkt. No. 186), and Estech Systems IP, LLC has filed a response (Dkt. No. 196).

After conducting a *de novo* review of the briefing on the motion to dismiss, the Report and Recommendation, and the briefing on the objection and response, the Court agrees with the reasoning provided within the Report and Recommendation and concludes that the objection fails to show that the Report and Recommendation was erroneous. Consequently, the Court **OVERRULES** defendant Abbott Laboratories' objection, **ADOPTS** the Report and Recommendation, and orders that the motion to dismiss (Dkt. No. 47) is **DENIED**.

So ORDERED and SIGNED this 7th day of November, 2022.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE